

**GLADEWATER
INDEPENDENT SCHOOL DISTRICT**



**DISTRICT DYSLEXIA PROGRAM
PROCEDURES**

Updated December 2015

Reviewed July 2016

TAB 1

**GLADEWATER ISD
DYSLEXIA PROGRAM GOALS**

DYSLEXIA PROGRAM GOALS

Gladewater Independent School District strives to have an exemplary dyslexia program for students enrolled in grades K – 12. Through a response to intervention process, GISD monitors students on a regular basis utilizing formal and informal observations, student data and other assessments including but not limited to the TPRI, Tejas Lee, benchmarks and/or written evidence of curriculum based monitoring (CBM).

Pursuant to the TEA's *The Dyslexia Handbook, Revised 2014*, students being referred for consideration of dyslexia should have demonstrated age appropriate developmental progress and have received appropriate instruction in reading, including but not limited to an accelerated reading programs as required by the state. Students who exhibit characteristics of dyslexia should be referred for consideration of a dyslexia evaluation after at least one semester of formal reading instruction has taken place pursuant to the TEC §28.006.

The Gladewater Independent School District is committed to the development and implementation of a dyslexia program that addresses both the Texas Education Code at §38.003 and the Texas Administrative Code at §74.28.

Addressing GISD's commitment, the following reflect the goals of the district dyslexia program:

- Screen, refer and evaluate, students in grades K – 12 students who may be at risk of dyslexia and related disorders;
- Provide instructional treatment options for students identified with dyslexia and related disorders;
- Provide staff development that includes:
 - Characteristics of dyslexia
 - Assessment of dyslexia
 - Intervention strategies and accommodations
- Provide a parent education program that includes:
 - Awareness of the characteristics of dyslexia and related disorders
 - Information on testing and the educational diagnosis of dyslexia
 - Information of effective strategies and options for parents to use at home to effectively communicate and help their child with dyslexia and related disorders
 - Information on state assessment accommodations and/or accommodations allowed for postsecondary testing (PSAT/ACT/SAT).

Objective: all campuses, through a response to intervention process, will identify students with dyslexia and related disorders and provide appropriate, individualized services.

TAB 2

GLADEWATER ISD SOURCES OF LAWS AND RULES FOR DYSLEXIA IDENTIFICATION AND INSTRUCTION

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Texas Education Code §38.003 (State Law)

Screening and Treatment for Dyslexia and Related Disorders

- (a) Students enrolling in public schools in this state shall be tested for dyslexia and related disorders at appropriate times in accordance with a program approved by the State Board of Education.
- (b) In accordance with the program approved by the State Board of Education, the board of trustees of each school district shall provide for the treatment of any student determined to have dyslexia or a related disorder.
- (b-1) Unless otherwise provided by law, a student determined to have dyslexia during testing under Subsection (a) or accommodated because of dyslexia **may not** be retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous testing of the student.
- (c) The State Board of Education shall adopt any rules and standards necessary to administer this section.
- (d) In this section:
 - (1) "*Dyslexia*" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.
 - (2) "*Related disorders*" includes disorders similar to or related to dyslexia, such as developmental auditory imperceptions, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

Added by Acts 1995, 74th Legislature, Ch. 260, Sec. 1, effective May 30, 1995.

Added by Acts 2011, 82nd Legislature, R.S., Ch. 635, Sec. 3, effective. June 17, 2011.

The original version of this statute was passed in 1985 through HB 157, Texas Legislature, 69th Regular Session. Subsection (b-1) was added by the 82nd Texas Legislature in 2011.

Texas Education Code §38.0031 (State Law)

Classroom Technology Plan for Students with Dyslexia

- (a) The agency shall establish a committee to develop a plan for integrating technology into the classroom to help accommodate students with dyslexia. The plan must:
 - (1) Determine the classroom technologies that are useful and practical in assisting public schools in accommodating students with dyslexia, considering budget constraints at school districts; and
 - (2) Develop a strategy for providing those effective technologies to students.
- (b) The agency shall provide the plan and information about the availability and benefits of the technologies identified under Subsection (a)(1) to school districts.
- (c) A member of the committee established under Subsection (a) is not entitled to reimbursement for travel expenses incurred by the member under this section unless agency funds are available for that purpose.

Added by Acts 2011, 82nd Legislature, R.S., Ch. 635, Sec. 4, effective, June 17, 2011.

Texas Education Code §28.006 (State Law)

Reading Diagnosis

- (a) The commissioner shall develop recommendations for school districts for:
 - (1) Administering reading instruments to diagnose student reading development and comprehension;
 - (2) Training educators in administering the reading instruments; and
 - (3) Applying the results of the reading instruments to the instructional program.
- (b) The commissioner shall adopt a list of reading instruments that a school district may use to diagnose student reading development and comprehension. A district level committee established under Subchapter F, Chapter 11, may adopt a list of reading instruments for use in the district in addition to the reading instruments on the commissioner's list. Each reading instrument adopted by the commissioner or a district level committee must be based on scientific research concerning reading skills development and reading comprehension. A list of reading instruments adopted under this subsection must provide for diagnosing the reading development and comprehension of students participating in a program under Subchapter B, Chapter 29.
- (c) Each school district shall administer, at the kindergarten, first, and second grade levels, a reading instrument on the list adopted by the commissioner or by the district level committee. The district shall administer the reading instrument in accordance with the commissioner's recommendations under Subsection (a)(1).
- (d) The superintendent of each school district shall:
 - (1) Report to the commissioner and the board of trustees of the district the results of the reading instruments; and
 - (2) Report, in writing, to a student's parent or guardian the student's results on the reading instrument.
- (e) The results of reading instruments administered under this section may not be used for purposes of appraisals and incentives under Chapter 21 or accountability under Chapter 39.
- (f) This section may be implemented only if funds are appropriated for administering the reading instruments. Funds, other than local funds, may be used to pay the cost of administering a reading instrument only if the instrument is on the list adopted by the commissioner.
- (g) A school district shall notify the parent or guardian of each student in kindergarten or first or second grade who is determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties. The district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to those students and shall determine the form, content, and timing of that program. The admission, review, and dismissal committee of a student who participates in a district's special education program under Subchapter B, Chapter 29, and who does not perform satisfactorily on a reading instrument under this section shall determine the manner in which the student will participate in an accelerated reading instruction program under this subsection.
- (h) The school district shall make a good faith effort to ensure that the notice required under this section is provided either in person or by regular mail and that the notice is clear and easy to understand and is written in English and in the parent or guardian's native language.
- (i) The commissioner shall certify, not later than July 1 of each school year or as soon as practicable thereafter, whether sufficient funds have been appropriated statewide for the purposes of this

section. A determination by the commissioner is final and may not be appealed. For purposes of certification, the commissioner may not consider Foundation School Program funds.

- (j) No more than 15 percent of the funds certified by the commissioner under Subsection (i) may be spent on indirect costs. The commissioner shall evaluate the programs that fail to meet the standard of performance under Section 39.051(b)(7) and may implement sanctions under Subchapter G, Chapter 39. The commissioner may audit the expenditures of funds appropriated for purposes of this section. The use of the funds appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.
- (k) The provisions of this section relating to parental notification of a student's results on the reading instrument and to implementation of an accelerated reading instruction program may be implemented only if the commissioner certifies that funds have been appropriated during a school year for administering the accelerated reading instruction program specified under this section.

Text of subsection (l) effective until January 1, 2002.

(l)(m) Expired.

Added by Acts 1997, 75th Legislature, Ch. 397, Sec. 2, effective Sept. 1, 1997. Amended by Acts 1999, 76th Legislature, Ch. 396, Sec. 2.11, effective Sept. 1, 1999.

Amended by: Acts 2006, 79th Legislature, 3rd C.S., Ch. 5, Sec. 3.05, effective May 31, 2006.

Acts 2007, 80th Legislature, R.S., Ch. 1058, Sec. 6, effective June 15, 2007.

Acts 2007, 80th Legislature, R.S., Ch. 1340, Sec. 1, effective June 15, 2007.

Acts 2009, 81st Legislature, R.S., Ch. 895, Sec. 26, effective June 19, 2009.

Texas Education Code §7.028(b) (State Law)

Limitation on Compliance Monitoring

(b) The board of trustees of a school district or the governing body of an open enrollment charter school has primary responsibility for ensuring that the district or school complies with all applicable requirements of state educational programs.

Added by Acts 2003, 78th Legislature, Ch. 201, Sec. 4, effective Sept. 1, 2003.

Renumbered from T.T.C.A., Education Code §7.027 by Acts 2005, 79th Legislature, Ch. 728, Sec. 23.001(9), effective Sept. 1, 2005.

Texas Administrative Code §74.28 (State Board of Education Rule)

Students with Dyslexia and Related Disorders

- (a) The board of trustees of a school district must ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate instructional services to the student are implemented in the district. These procedures will be monitored by the Texas Education Agency (TEA) with on-site visits conducted as appropriate.
- (b) A school district's procedures must be implemented according to the State Board of Education (SBOE) approved strategies for screening, and techniques for treating, dyslexia and related

disorders. The strategies and techniques are described in *“Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders,”* a set of flexible guidelines for local districts that may be modified by SBOE only with broad based dialogue that includes input from educators and professionals in the field of reading and dyslexia and related disorders from across the state. Screening should be done only by individuals/professionals who are trained to assess students for dyslexia and related disorders.

- (c) A school district shall purchase a reading program or develop its own reading program for students with dyslexia and related disorders that is aligned with the descriptors found in *“Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders.”* Teachers who screen and treat these students must be trained in instructional strategies that utilize individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in *“Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders.”* The professional development activities specified by each district and/or campus planning and decision making committee shall include these instructional strategies.
- (d) Before an identification or assessment procedure is used selectively with an individual student, the school district must notify the student’s parent or guardian or another person standing in parental relation to the student.
- (e) Parents/guardians of students eligible under the Rehabilitation Act of 1973, §504, must be informed of all services and options available to the student under that federal statute.
- (f) Each school must provide each identified student access at his or her campus to instructional programs required in subsection (c) of this section and to the services of a teacher trained in dyslexia and related disorders. The school district may, with the approval of each student’s parents or guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his or her campus.
- (g) Because early intervention is critical, a process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available in each district as outlined in *“Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders.”*
- (h) Each school district shall provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program should include: awareness of characteristics of dyslexia and related disorders; information on testing and diagnosis of dyslexia; information on effective strategies for teaching dyslexic students; and awareness of information on modification, especially modifications allowed on standardized testing.

Source: The provisions of this §74.28 adopted to be effective September 1, 1996, 21 TexReg 4311; amended to be effective September 1, 2001, 25 TexReg 7691; amended to be effective August 8, 2006, 31 TexReg 6212; amended to be effective August 24, 2010, 35 TexReg 7211.

Texas Education Code §42.006(a"1) (State Law)

Public Education Information Management System (PEIMS)

- (a-1) The commissioner by rule shall require each school district and open enrollment charter school to report through the Public Education Information Management System information regarding the number of students enrolled in the district or school who are identified as having dyslexia.

Source: Amended by Acts 2013, 83rd Legislature, R.S., Ch. 295 (H.B. 1264), sec. 1. Effective June 14, 2013.

Texas Education Code §21.044 (State Law)

Educator Preparation

- (a) The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction year program. The board shall specify the minimum academic qualifications required for a certificate.
- (b) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the curriculum for that degree, instruction in detection and education of students with dyslexia. This subsection does not apply to a person who obtains a certificate through an alternative certification program adopted under Section 21.049.
- (c) The instruction under Subsection (b) must:
 - (1) be developed by a panel of experts in the diagnosis and treatment of dyslexia who are:
 - (A) employed by institutions of higher education; and
 - (B) approved by the board; and
 - (2) include information on:
 - (A) characteristics of dyslexia;
 - (B) identification of dyslexia; and
 - (C) effective, multisensory strategies for teaching students with dyslexia.

*Source: Added by Acts 1995, 74th Legislature, Ch. 260, Sec. 1, effective May 30 1995.
Amended by Acts 2011, 82nd Legislature, R.S., Ch. 635, Sec. 1, effective June 17, 2011.*

Texas Education Code §21.054 Continuing Education (State Law)

Continuing Education

- (a) The board shall propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.
- (b) Continuing education requirements for an educator who teaches students with dyslexia must include training regarding new research and practices in educating students with dyslexia.
- (c) The training required under Subsection (b) may be offered in an online course.

Added by Acts 1995, 74th Legislature, ch. 260, Sec. 1, effective May 30, 1995.

Amended by Acts 2005, 79th Legislature, Ch. 675, Sec. 2, effective June 17, 2005; Acts 2009, 81st Legislature, R.S., Ch. 596, Sec. 1, effective September 1, 2009; 81st Legislature, R.S., Ch. 895, Sec. 67(a), effective June 19, 2009; Acts 2011, 82nd legislature, R.S., Ch. 635, Sec. 2, effective June 17, 2011.

Texas Education Code §51.9701 (State Law)

Assessment for Dyslexia.

Unless otherwise provided by law, an institution of higher education, as defined by Section 61.003, may not reassess a student determined to have dyslexia for the purpose of assessing the student's need for accommodations until the institution of higher education reevaluates the information obtained from previous assessments of the student.

Added by Acts 2011, 82nd Legislature, R.S., Ch. 295 (H.B. 1264), sec. 1, effective June 14, 2013.

The Dyslexia Handbook – Updated 2014: Procedures Concerning Dyslexia and Related Disorders

School Boards **MUST** ensure the following:

- Procedures for identifying a student with dyslexia or a related disorder are implemented in the district (TAC §74.28)
- Procedures for providing appropriate instructional services to the student are implemented in the district (TAC §74.28)
- The district or school complies with all applicable requirements of state educational programs (TEC §7.028).

School Districts **MUST** do the following:

- Administer K-2 assessments (TEC §28.006)
- Provide early identification, intervention, and support (TEC §28.006)
- Apply results of early assessment instruments to instruction and report to the Commissioner of Education (TEC §28.006)
- Implement SBOE approved procedures for students with dyslexia and related disorders (Dyslexia Handbook and TAC §74.28)
- Provide training about dyslexia to educators [TAC §74.28(c)]; (TAC §232.11)
- Ensure the procedures for identification and instruction are in place (§74.28)
- Notify parents in writing before an assessment or identification procedure is used with an individual student (TAC §74.28)
- Test for dyslexia at appropriate times (TEC §38.003)
- Ensure that assessment for the purposes of accommodations does not occur until after current testing has been reviewed [TEC §38.003(b-1)]
- Meet the requirements of §504 when assessment for dyslexia is recommended (*The Dyslexia Handbook*)
- Provide treatment (instruction) for students with dyslexia (TEC §38.003)
- Purchase or develop their own programs that include descriptors listed in the Dyslexia Handbook (TAC §74.28)
- Inform parents of all services and options available to students eligible under the §504 (TAC §74.28)
- Provide student with services of a teacher trained in dyslexia (TAC §74.28)
- Provide a parent education program (TAC §74.28)
- Report through PEIMS information regarding the number of students enrolled in the district or school who are identified as having dyslexia [TEC §42.006(a-1)]

Checklist of Procedures to Follow to Ensure Compliance with State and Federal Laws and Rules:

- Notify parents or guardians of proposal to assess student for dyslexia (§504)
- Inform parents or guardians of their rights under §504
- Obtain parent or guardian permission to assess the student for dyslexia [§504 and TEC §26.009(a)(1)]
- Administer measures using only individuals/professionals who are trained in assessment to evaluate students for dyslexia and related disorders (§74.28)

- Ensure identification of dyslexia is made by the §504 committee of persons knowledgeable about the reading process, dyslexia and dyslexia instruction, the assessments used, and the meaning of the collected data
- Provide dyslexia instruction as per TEC §38.003 (instruction is provided regardless of student eligibility for §504)
- Provide ongoing training opportunities for teachers [TEC§21.0054(b)]

Checklist of Written Documentation that is Recommended to Ensure Compliance with §504:

- Documentation that the notice of evaluation has been given to parents or guardians
- Documentation that parents or guardians were given their rights under §504
- Documentation of the parent’s or guardian’s consent for the evaluation [Letter to Durham, 27 IDELR 380 (OCR 1997)]
- Documentation of the evaluation data
- Documentation of the decisions made by the committee of knowledgeable persons concerning the disability (whether a disability exists) and, if a disability exists, whether the disability substantially limits a major life activity
- Documentation of the placement options and placement decisions

Section 504 of the Rehabilitation Act of 1973 (Federal Law " selected portions)

34 C.F.R. Part 104

Sec. 104.4 Discrimination Prohibited.

- (a) General. No qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.
- (b) Discriminatory actions prohibited.
 - (1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability:
 - (i) Deny a qualified person with a disability the opportunity to participate in or benefit from the aid, benefit, or service;
 - (ii) Afford a qualified person with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;
 - (iii) Provide a qualified person with a disability with an aid, benefit, or service that is not as effective as that provided to others;
 - (iv) Provide different or separate aid, benefits, or services to persons with disabilities or to any class of persons with disabilities unless such action is necessary to provide qualified persons with disabilities with aid, benefits, or services that are as effective as those provided to others;
 - (v) Aid or perpetuate discrimination against a qualified person with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the recipients program;
 - (vi) Deny a qualified person with a disability the opportunity to participate as a member of planning or advisory boards; or
 - (vii) Otherwise limit a qualified person with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.
 - (2) For purposes of this part, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for disabled and non-disabled persons, but must afford persons with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.
 - (3) Despite the existence of separate or different programs or activities provided in accordance with this part, a recipient may not deny a qualified person with a disability the opportunity to participate in such programs or activities that are not separate or different.
 - (4) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration
 - (i) that have the effect of subjecting qualified persons with disabilities to discrimination on the basis of disability,
 - (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to persons with disabilities, or
 - (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same State.
 - (5) In determining the site or location of a facility, an applicant for assistance or a recipient may not make selections

- (i) that have the effect of excluding persons with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance or
 - (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to persons with disabilities.
- (6) As used in this section, the aid, benefit, or service provided under a program or activity receiving or benefiting from Federal financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with Federal financial assistance. ...

Subpart D – Preschool, Elementary, and Secondary Education

Sec. 104.31 Application of this subpart.

Subpart D applies to preschool, elementary, secondary, and adult education programs and activities that receive or benefit from Federal financial assistance and to recipients that operate, or that receive or benefit from Federal financial assistance for the operation of, such programs or activities.

Sec. 104.32 Location and notification.

A recipient that operates a public elementary or secondary education program shall annually:

- (a) Undertake to identify and locate every qualified person with a disability residing in the recipient's jurisdiction who is not receiving a public education; and
- (b) Take appropriate steps to notify persons with a disability and their parents or guardians of the recipient's duty under this subpart.

Sec. 104.33 Free appropriate public education.

- (a) General. A recipient that operates a public elementary or secondary education program shall provide a free appropriate public education to each qualified person with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disability.
- (b) Appropriate education.
 - (1) For the purpose of this subpart, the provision of an appropriate education is the provision of regular or special education and related aids and services that
 - (i) are designed to meet individual educational needs of disabled persons as adequately as the needs on nondisabled persons are met and
 - (ii) are based upon adherence to procedures that satisfy the requirements of Sections 104.34, 104.35, and 104.36.
 - (2) Implementation of an individualized education program developed in accordance with the Individuals with Disabilities Education Act is one means of meeting the standard established in paragraph (b)(1)(i) of this section.)
 - (3) A recipient may place a person with a disability in or refer such person to a program other than the one that it operates as its means of carrying out the requirements of this subpart. If so, the recipient remains responsible for ensuring that the requirements of this subpart are met with respect to any person with a disability so placed or referred.
- (c) Free education.
 - (1) General. For the purpose of this section, the provision of a free education is the provision of educational and related services without cost to the person with a disability or to his or her parents or guardian, except for those fees that are imposed on nondisabled persons or their

parents or guardian. It may consist either of the provision of free services or, if a recipient places a person with a disability in or refers such person to a program not operated by the recipient as its means of carrying out the requirements of this subpart, of payment for the costs of the program. Funds available from any public or private agency may be used to meet the requirements of this subpart. Nothing in this section shall be construed to relieve an insurer or similar third party from an otherwise valid obligation to provide or pay for services provided to a person with a disability.

- (2) Placement of disabled persons by parents. If a recipient has made available, in conformance with the requirements of this section and Section 104.34, a free appropriate public education to a person with a disability and the person's parents or guardian choose to place the person in a private school, the recipient is not required to pay for the person's education in the private school. Disagreements between a parent or guardian and a recipient regarding whether the recipient has made such a program available or otherwise regarding the question of financial responsibility are subject to the due process procedures of Section 104.36.
- (d) Compliance. A recipient may not exclude any qualified person with a disability from a public elementary or secondary education after the effective date of this part. A recipient that is not, on the effective date of this regulation, in full compliance with the other requirements of the preceding paragraphs of this section shall meet such requirements at the earliest practicable time and in no event later than September 1, 1978.

Sec. 104.34 Educational setting.

- (a) Academic setting. A recipient to which this subpart applies shall educate, or shall provide for the education of, each qualified person with a disability in its jurisdiction with persons who are not disabled to the maximum extent appropriate to the needs of the person with a disability. A recipient shall place a person with a disability in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a recipient places a person in a setting other than the regular educational environment pursuant to this paragraph, it shall take into account the proximity of the alternate setting to the person's home.
- (b) Nonacademic settings. In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in Section 104.37(a)(2), a recipient shall ensure that disabled persons participate with nondisabled persons in such activities and services to the maximum extent appropriate to the needs of the person with a disability in question.
- (c) Comparable facilities. If a recipient, in compliance with paragraph (a) of this section, operates a facility that is identifiable as being for persons with disabilities, the recipient shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the recipient.

Sec. 104.35 Evaluation and placement.

- (a) Pre-placement evaluation. A recipient that operates a public elementary or secondary education program shall conduct an evaluation in accordance with the requirements of paragraph (b) of this section of any person who, because of disability, needs or is believed to

need special education or related services before taking any action with respect to the initial placement of the person in a regular or special education program and any subsequent significant change in placement.

- (b) Evaluation procedures. A recipient to which this subpart applies shall establish standards and procedures for the evaluation and placement of persons who, because of disability, need or are believed to need special education or related services which ensure that:
 - (1) Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
 - (2) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
 - (3) Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).
- (c) Placement procedures. In interpreting evaluation data and in making placement decisions, a recipient shall
 - (1) Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior,
 - (2) Establish procedures to ensure that information obtained from all such sources is documented and carefully considered,
 - (3) Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and
 - (4) Ensure that the placement decision is made in conformity with Section 104.34.
- (d) Reevaluation. A recipient to which this section applies shall establish procedures, in accordance with paragraph (b) of this section, for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the Individuals with Disabilities Education Act is one means of meeting this requirement.

Sec. 104.36 Procedural safeguards.

A recipient that operates a public elementary or secondary education program shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons, who, because of disability, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of section 615 of the Individuals with Disabilities Education Act is one means of meeting this requirement.

Sec. 104.37 Nonacademic services.

- (a) General.

- (1) A recipient to which this subpart applies shall provide non-academic and extracurricular services and activities in such manner as is necessary to afford students with disabilities an equal opportunity for participation in such services and activities.
 - (2) Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipients, referrals to agencies which provide assistance to persons with disabilities, and employment of students, including both employment by the recipient and assistance in making available outside employment.
- (b) Counseling services. A recipient to which this subpart applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of disability. The recipient shall ensure that qualified students with disabilities are not counseled toward more restrictive career objectives than are nondisabled students with similar interests and abilities.
- (c) Physical education and athletics.
- (1) In providing physical education courses and athletics and similar programs and activities to any of its students, a recipient to which this subpart applies may not discriminate on the basis of disability. A recipient that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to qualified students with disabilities an equal opportunity for participation in these activities.
 - (2) A recipient may offer to students with disabilities physical education and athletic activities that are separate or different from those offered to nondisabled students only if separation or differentiation is consistent with the requirements of Section 104.34 and only if no qualified student with a disability is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

Americans with Disabilities Act Amendments Act of 2008

Text of amendments passed September 25, 2008 (selected portions)

Public Law 110-325, September 25, 2008

Effective January 1, 2009

An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

(b) Purposes. The purposes of this Act are -

- (1) to carry out the ADA's objectives of providing "a clear and comprehensive national mandate for the elimination of discrimination" and "clear, strong, consistent, enforceable standards addressing discrimination" by reinstating a broad scope of protection to be available under the ADA;
- (5) ..., to convey that it is the intent of Congress that the primary object of attention in cases brought under the ADA should be whether entities covered under the ADA have complied with their obligations, and to convey that the question of whether an individual's impairment is a disability under the ADA should not demand extensive analysis; and ...

Sec. 4. Disability Defined and Rules of Construction.

(a) Definition of Disability. Section 3 of the Americans with Disabilities Act of 1990 is amended to read as follows:

"As used in this Act:

- (1) Disability. The term 'disability' means, with respect to an individual –
 - (A) A physical or mental impairment that substantially limits one or more major life activities of such individual;
 - (B) A record of such an impairment; or
 - (C) Being regarded as having such an impairment (as described in paragraph 3).
- (2) Major Life Activities.
 - (A) In general. For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
 - (B) Major Bodily Functions. For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- (3) Regarded as Having such an Impairment. For purposes of paragraph (1)(C):
 - (A) An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
 - (B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.
- (4) Rules of Construction Regarding the Definition of Disability. The definition of 'disability' in paragraph (1) shall be construed in accordance with the following:
 - (A) The definition of disability in this Act shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.

- (B) The term 'substantially limits' shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.
- (C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
- (D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- (E) (i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as:
 - (I) Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
 - (II) Use of assistive technology;
 - (III) Reasonable accommodations or auxiliary aids or services; or
 - (IV) Learned behavioral or adaptive neurological modifications.
- (iii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.
- (iv) As used in this subparagraph –
 - (I) The term 'ordinary eyeglasses or contact lenses' means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
 - (II) The term 'low-vision devices' means devices that magnify, enhance, or otherwise augment a visual image."

(b) Conforming Amendment. – The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) is further amended by adding after section 3 the following:

Sec. 4. Additional Definitions.

"As used in this Act:

- (1) Auxiliary Aids and Services. – The term 'auxiliary aids and services' includes –
 - (A) Qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
 - (B) Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
 - (C) Acquisition or modification of equipment or devices; and
 - (D) Other similar services and actions...."

The Americans with Disabilities Act Amendments Act of 2008 specifically states that all of its changes also apply under Section 504 of the Rehabilitation Act. Section 504 must conform to all new standards. At this time, the Department of Education is not required to rewrite the implementing federal regulations for Section 504.

Individuals with Disabilities Education Act (Federal Law)

34 C.F.R. Part 300 (selected portions)

Reauthorized 2004, Regulations Issued August 2006.

Subpart A – General.

Sec. 300.8 Child with a Disability.

(a) General.

(1) Child with a disability means a child evaluated in accordance with §§300.304 through 300.311 as having mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, **specific learning disability**, deaf-blindness, or multiple disabilities, **and** who, by reason thereof, **needs special education and related services**.

(2) (i) Subject to paragraph (a)(2)(ii) of this section, if it is determined, through an appropriate evaluation under §§300.304 through 300.311, that a child has one of the disabilities identified in paragraph (a)(1) of this section, but only needs a related service and not special education, the child is not a child with a disability under this part....

(b) Definitions of disability terms. The terms used in this definition of a child with a disability are defined as follows:

(10) Specific learning disability–

(i) General. Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, **dyslexia**, and developmental aphasia.

(ii) Disorders **not** included. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

From TEA, *The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, Revised 2007, Updated 2010*:

“If a student with dyslexia is referred for special education, districts and charter schools follow the requirements of IDEA 2004. In IDEA 2004, §1401 (30), dyslexia is considered one of a variety of etiological foundations for “specific learning disability.” ...

“Although IDEA 2004 indicates that dyslexia is an example of a learning disability, the evaluation requirements for eligibility in §34 C.F.R. 300.309(a)(1) specifically designate the following areas for a learning disability in reading: basic reading skill, reading fluency skills, and/or reading comprehension.”

TAB 3

GLADEWATER ISD

PATHWAY TO THE IDENTIFICATION AND PROVISION OF INSTRUCTION FOR STUDENTS WITH DYSLEXIA

DYSLEXIA EVALUATION TIMELINES FLOWCHART

ASSESSMENT, IDENTIFICATION, AND PLACEMENT INTO A DYSLEXIA PROGRAM

GUIDELINES FOR TRANSITIONING ENGLISH LANGUAGE LEARNERS INTO THE DYSLEXIA PROGRAM

PROCEDURES WHEN RECEIVING OUTSIDE INDEPENDENT EVALUATIONS FOR DYSLEXIA

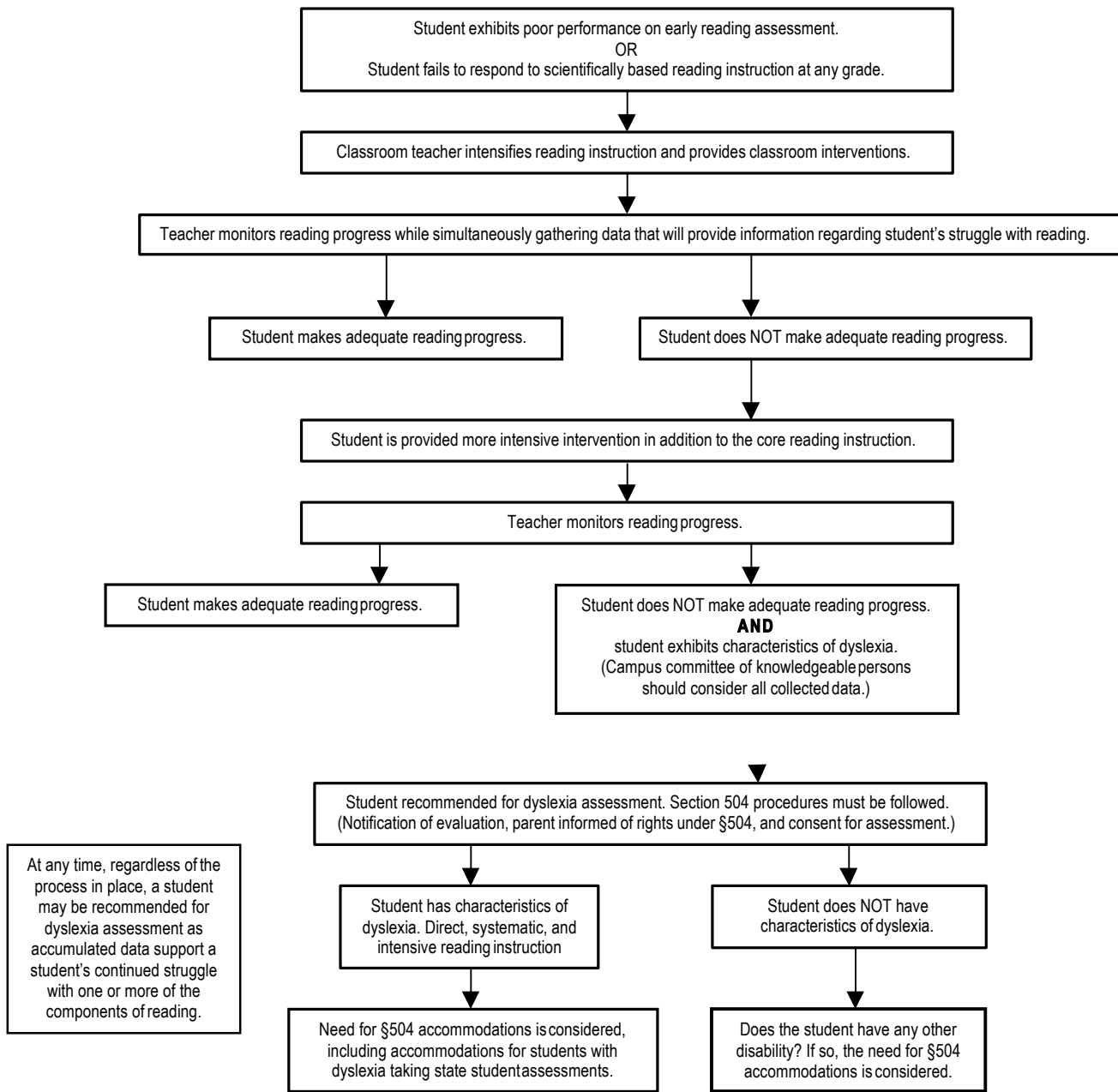
PROCEDURES FOR SERVING IN STATE OR OUT OF STATE TRANSFERS FOR STUDENTS IDENTIFIED WITH DYSLEXIA

PROCEDURES FOR EXITING DYSLEXIA PROGRAM

GLADEWATER ISD
TEA PATHWAY TO THE IDENTIFICATION AND PROVISION
OF INSTRUCTION FOR STUDENTS WITH DYSLEXIA

PATHWAY TO THE IDENTIFICATION AND PROVISION OF INSTRUCTION FOR STUDENTS WITH DYSLEXIA

This flowchart illustrates a process for determining the instructional support needed by students with dyslexia. Special education evaluation should be conducted whenever it appears to be appropriate. Some students will NOT proceed through all the steps before being referred for a Full Individual Evaluation (FIE). A dyslexia evaluation may be incorporated into the FIE through special education.



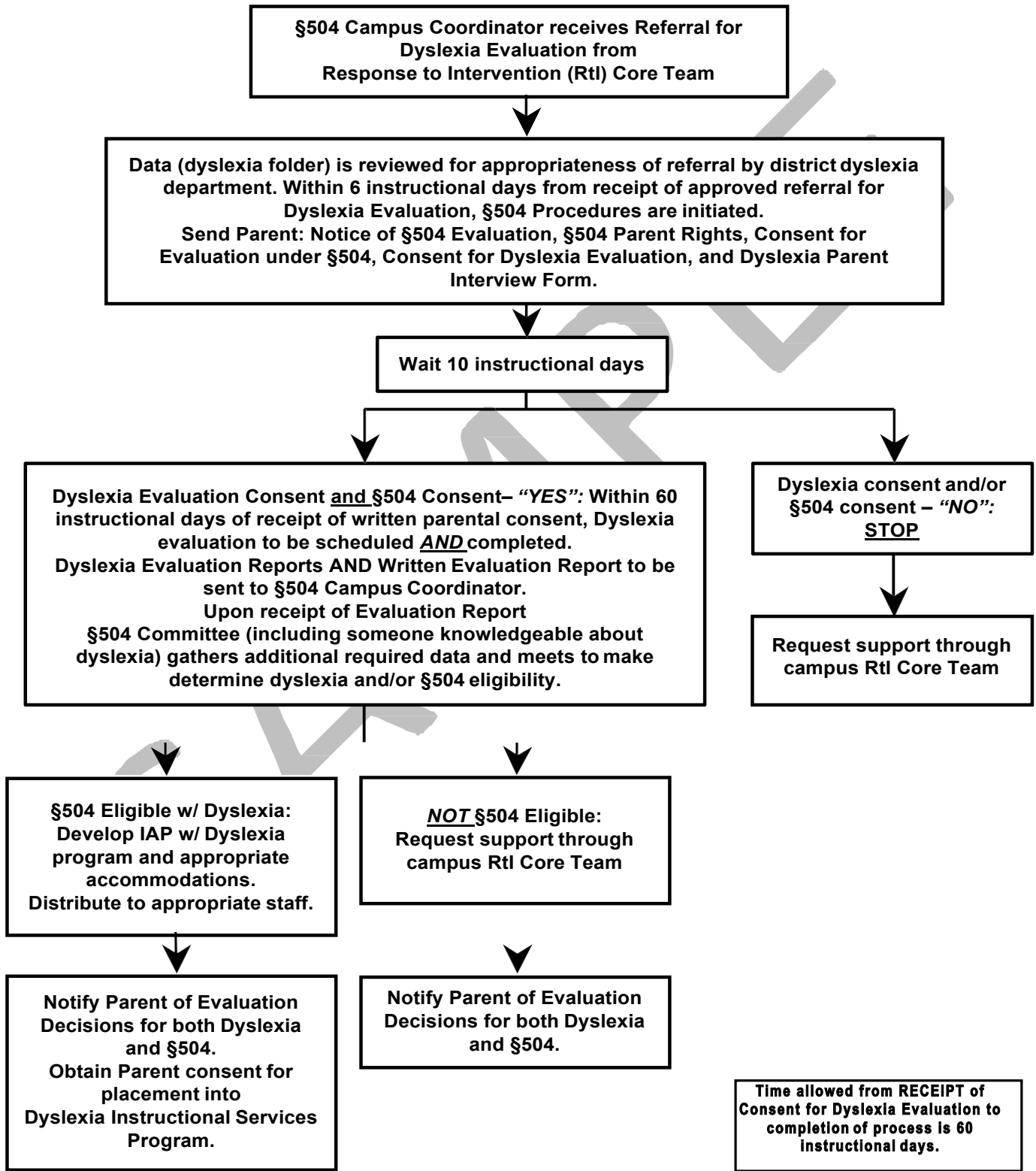
Resource: *The Dyslexia Handbook – Revised 2014, pg. 70.*

GISD does not discriminate on the basis of race, color, national origin, sex, religion, age, disability or genetic information in employment or provision of services, programs, or activities.

**GLADEWATER ISD
DYSLEXIA EVALUATION TIMELINES
FLOWCHART**

DYSLEXIA TIMELINE FLOWCHART

COORDINATION WITH SECTION 504 PROCEDURES



GISD does not discriminate on the basis of race, color, national origin, sex, religion, age, disability or genetic information in employment or provision of services, programs, or activities.

GLADEATER ISD
ASSESSMENT, IDENTIFICATION, AND PLACEMENT
INTO A DYSLEXIA PROGRAM

ASSESSMENT, IDENTIFICATION, AND PLACEMENT INTO A DYSLEXIA INSTRUCTIONAL PROGRAM

For the identification of dyslexia in Texas public schools, all procedures and guidelines outlined in *The Dyslexia Handbook, Revised 2014* should be followed, including data gathering, parent notification, examiner qualifications, test selection and administration, and procedures for English Language Learners.

Procedures Required by State and Federal Law Prior to Formal Assessment

In accordance with TEC §28.006, Gladewater ISD administers early reading instruments in kindergarten, first, and second grades to determine students' reading development and comprehension. If, on the basis of the reading instrument results, students are determined to be at risk for dyslexia and other reading difficulties, the students' parents/guardians are notified. In addition, an accelerated (intensive) scientifically, research-based reading program that appropriately addresses students' reading difficulties and enables them to "catch up" with their typically performing peers is implemented. Interventions are provided through the district's response to intervention process. Should students continue to struggle with reading, writing, and/or spelling during the intensive reading instruction, then Gladewater ISD will initiate procedures to recommend these students for assessment of dyslexia. The information from the early reading instruments will be one source of information in deciding whether or not to recommend a student for assessment for dyslexia. Other data to be considered may include, but is not limited to: performance on state mandated test(s), a student's grades/performance in reading and/or written spelling, and teachers' observations of the characteristics of dyslexia, attendance, frequent moves, and/or other available information.

Referral Process

At any time that a student continues to struggle with one or more components of reading, that is unexpected for the student's age and grade, Gladewater ISD will collect additional information about the student. This information will be used to evaluate the student's academic progress and determine what actions are needed to ensure the student's improved academic performance.

Data Gathering:

Some of the information that Gladewater ISD will collect is in the student's cumulative folder; other information is available from teachers and parents or guardians. This information **should** include data that demonstrates the student was provided appropriate instruction and data-based documentation of repeated assessments of achievement at reasonable intervals (progress monitoring), reflecting formal assessment of student progress during instruction. Additional information to be considered includes the results from some or all of the following:

<p>Vision screening Hearing screening Teacher reports of classroom concerns Classroom reading assessments Accommodations or interventions previously provided Academic progress reports (report cards) Gifted/talented assessments Samples of schoolwork K-2 reading instrument results as required in TEC §28.006 7th grade reading instrument results as required in TEC §28.006</p>	<p>State student assessment program results as described in TEC §39.022 Observations of instruction provided to the student Full individual evaluation (FIE) if available Outside evaluation (if available) Speech and language assessment School attendance Curriculum-based assessment measures Instructional strategies provided and student’s response to the instruction Universal screening results Information from parents/guardians</p>
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Data must also be included that supports the student has received conventional (appropriate) instruction and that the difficulties are not primarily the result of sociocultural factors which include language differences, language proficiency, irregular attendance, or lack of experiential background.

If the student is an English language learner (ELL), the district must also gather the following additional information:

- Home language survey
- Assessment related to identification for limited English proficiency (oral language proficiency test and norm-referenced tests – all years available)
- Texas English Language Proficiency Assessment System (TELPAS) information for four language domains (listening, speaking, reading, and writing)
- Instructional interventions provided to address language needs
- Information regarding previous schooling inside and/or outside the United States
- Type of language program model provided and language of instruction

Among the actions that Gladewater ISD has available for the student is a recommendation that the student be assessed for dyslexia. Gladewater ISD recommends assessment for dyslexia if the student demonstrates the following:

- Poor performance in one or more areas of reading and/or the related area of spelling that is unexpected for the student’s age/grade, and
- Characteristics of dyslexia

Primary Reading/Spelling Characteristics of Dyslexia:

- Difficulty reading words in isolation
- Difficulty accurately decoding unfamiliar words
- Difficulty with oral reading (slow, inaccurate, or labored)
- Difficulty spelling

The reading/spelling characteristics are most often associated with the following:

- Segmenting, blending, and manipulating sounds in words (phonemic awareness)
- Learning the names of letters and their associated sounds
- Holding information about sounds and words in memory (phonological memory)
- Rapidly recalling the names of familiar objects, colors, or letters of the alphabet (rapid naming)

Consequences of dyslexia may include the following:

- Variable difficulty with aspects of reading comprehension
- Variable difficulty with aspects of written language
- Limited vocabulary growth due to reduced reading experiences

If a student continues to struggle with reading after having participated in an accelerated reading program as required in TEC §28.006 and exhibits the characteristics of dyslexia, the campus referral committee shall review all data and determine the need to initiate a referral to the Section 504 Committee for dyslexia assessment.

Progression through tiered intervention is ***not*** required in order to begin the identification. The use of a tiered intervention process should not delay or deny an evaluation for dyslexia, especially when parent or teacher observations reveal the common characteristics of dyslexia. The needs of the students must be the main priority.

Parents/guardians always maintain the right to request a referral for a dyslexia assessment at any time. Once such a request has been made, the school district is obligated to review the student's data history (including formal and informal data) to determine whether there is a reason to suspect that the student may have a disability and be in need of services. If the school does not suspect a disability and determines that evaluation would not be indicated, the parents/guardians **must** be given a copy of their due process rights (procedural safeguards). All denials to evaluate should be documented in writing providing the rationale for not evaluating. If the student was referred for a Special Education FIE, denial must be provided via completion of the prior, Written Notice.

Procedures for Assessment of Dyslexia

The identification of reading disabilities, including dyslexia, will follow one of two procedures. A district will typically evaluate for dyslexia through §504. If a student is suspected of having a disability within the scope of the IDEA 2004, all special education procedures must be followed.

Students enrolling in Gladewater ISD shall be assessed for dyslexia and related disorders at appropriate times [TEC §38.003(a)]. The appropriate time depends upon multiple factors including the student's reading performance, reading difficulties, poor response to supplemental, scientifically based reading instruction, teachers' input, and parents' or

guardians' input. Additionally, the appropriate time for assessing is early in a student's school career (19 TAC §74.28). While earlier is better, students will be recommended for assessment for dyslexia even if the reading difficulties appear later in a student's school career.

When formal evaluation is recommended, Gladewater ISD completes the evaluation process as outlined in Section 504 of the Rehabilitation Act of 1973, as amended. The procedures followed for assessment include:

1. Notify parents or guardians of proposal to assess student for dyslexia (§504)
2. Inform parents or guardians of their rights under §504
3. Obtain parent or guardian permission to assess the student for dyslexia (§504 and TEC §26.009)
4. Assess student, being sure that individuals/professionals who administer assessments have training in the evaluation of students for dyslexia and related disorders (19 TAC §74.28)

In conformance with §504 and IDEA 2004, test instruments and other evaluation materials must meet the following criteria:

- Be validated for the specific purpose for which the tests, assessments, and other evaluation materials are used
- Include material tailored to assess specific areas of educational need and not merely materials that are designed to provide a single general intelligence quotient
- Be selected and administered so as to ensure that, when a test is given to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills
- Be selected and administered in a manner that is not racially or culturally discriminatory
- Include multiple measures of a student's reading abilities such as informal assessment information (e.g., anecdotal records, district universal screenings, progress monitoring data, criterion referenced assessments, results of informal reading inventories, classroom observations)
- Be administered by trained personnel and in conformance with the instructions provided by the producer of the evaluation materials
- Be used for the purpose for which the assessment or measures are valid or reliable
- Be provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information regarding what the child can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer.

Domains to Assess

Gladewater ISD administers measures that are related to the student's educational needs. Difficulties in the areas of letter knowledge, word decoding, and fluency (rate and accuracy)

may be evident depending upon the student’s age and stage of reading development. Students with dyslexia may also have difficulty with reading comprehension and written composition.

The following areas related to reading that shall be assessed:

<u>REQUIRED DOMAINS:</u> ACADEMIC SKILLS	<u>REQUIRED DOMAINS:</u> COGNITIVE PROCESSES	ADDITIONAL POSSIBLE AREAS FOR CONSIDERATION OF ASSESSMENT:
<ul style="list-style-type: none"> • Letter knowledge (name and associated sound) • Reading word in isolation • Decoding unfamiliar words accurately • Reading fluency (both rate and accuracy are assessed) • Reading Comprehension • Spelling 	<ul style="list-style-type: none"> • Phonological/phonemic awareness • Rapid naming of symbols or objects <p><i>Optional</i> cognitive process that may be assessed:</p> <ul style="list-style-type: none"> • Orthographic processing – may be selectively impaired 	<ul style="list-style-type: none"> • Vocabulary • Listening comprehension • Verbal expression • Written expression • Handwriting • Memory for letter or symbol sequences (orthographic processing) • Mathematical calculation/ reasoning • Phonological memory • Verbal working memory • Processing speed

Additional assessment when assessing English Language Learners: (in addition to the information listed under “Domains to Assess”:

- Comprehensive oral language proficiency testing should be completed in English **and** the student’s native language whenever possible.
- If the student has received academic instruction in his/her native language, as well as English, then the “Domains to Assess” need to be completed in both languages to the appropriate extent.

Interpretation:

To appropriately understand test results of English Language Learners (ELL), the evaluator/committee of knowledgeable persons must be interpreted in light of the student’s: language development [in both English and the student’s native language (when possible)], educational history, linguistic background, socioeconomic issues, and any other pertinent factors that affect learning.

Procedures for Identifying Dyslexia

The §504 Committee determines whether the student has dyslexia. (If student either currently being served by Special Education or was referred for a FIE, then the ARD committee determines whether the student has dyslexia.) The §504 committee members **must** be knowledgeable about:

- The student being assessed;

- The assessments used; and
- Meaning of the evaluation data and placement options.

In addition, the §504 committee must include someone with knowledge of the following:

- The reading process;
- Dyslexia and related disorders;
- Dyslexia instruction; and
- District, state, and federal guidelines for assessment.

The §504 committee determines the identification of dyslexia after reviewing all accumulated data obtained during the data gathering and formal assessment including the following areas:

- The observations of the teacher, district staff, and parent/guardian
- Data gathered from the classroom (including student work and the results of classroom measures) and information found in the student’s cumulative folder (including the developmental and academic history of the student)
- Data-based documentation of student progress during instruction/intervention
- The results of administered assessments
- Language Assessment Proficiency Committee (LPAC) documentation, when applicable
- All other accumulated data regarding the development of the student’s learning and his/her educational needs
- Data gathered should include informal data, curriculum-based data, criterion-based data, and norm-referenced data.

§504 Committee Decision Points for Dyslexia Identification

- I. Do the data show a ***pattern*** of low reading and spelling skills that is ***unexpected*** for the student in relation to the student’s other cognitive abilities and provision of ***effective*** classroom instruction?
 - A. Does the student’s difficulties in the area of reading and spelling reflect a pattern of evidence for the primary characteristics of dyslexia with unexpectedly low performance for the student’s age and educational level in some or all of the following?
 - Reading words in isolation
 - Decoding unfamiliar words accurately and automatically words
 - Reading fluency for connected text (both rate and/or accuracy)
 - Spelling (an isolated difficulty in spelling would not be sufficient to identify dyslexia)
 - B. The academic difficulties in reading and written spelling will ***typically*** be the result of a deficit in phonological awareness, including phonemic awareness and manipulation, single-word reading, reading fluency, and spelling.
 - Does the student exhibit a deficit in phonological/phonemic awareness?
 - Does the student demonstrate a pattern of evidence with unexpectedly low performance in:

- segmenting, blending, and manipulating sounds in words? (phonemic awareness)
- learning the names of letters & their associated sounds?
- holding information about sounds and words in memory (phonological memory)
- rapidly recalling the names of familiar objects, colors, or letters of the alphabet? (rapid naming)

If the student exhibits reading and spelling difficulties and currently has appropriate phonological/ phonemic processing, it is important to examine the student's history to determine if there is evidence of **previous difficulty** with phonological/ phonemic awareness. It is important to note that because previous effective instruction in phonological/phonemic awareness may remediate phonological awareness skills in isolation, average phonological awareness scores alone do not rule out dyslexia. Ongoing phonological processing deficits can be exhibited in word reading and/or spelling.

- If the data does not indicate a deficit in phonological/phonemic awareness, is there a history of the student having difficulty with phonological/phonemic awareness?
- If there is a previous history, is there data to indicate intervention was provided in this area?

- C. Are the academic skills and the deficits in the cognitive processes (phonological/ phonemic awareness and/or rapid naming of symbols or objects) **unexpected** for the student in relation to the student's other cognitive abilities (the ability to learn in the absence of print) and **unexpected** in relation to the provision of effective classroom instruction?

Does the student exhibit age-appropriate oral language skills, including listening comprehension, vocabulary development, the ability to follow directions, and the ability to tell a story?

- Does the student exhibit age-appropriate reading comprehension even though his or her word reading skills in isolation are deficient?
- Is the student's ability to learn in subjects that are not as heavily reliant on reading, such as science, social studies, and math, grade-appropriate?
- Is the student's ability to comprehend information read to him/her age-appropriate?
- If the student were not asked to read or interact with print, would he/she appear to be age/grade appropriate?
- Is there data to support a student's lack of progress despite having received research-based intervention? (i.e., accelerated reading program)
- Is the student's lack of progress due to sociocultural factors, such as language differences, irregular attendance, or lack of experiential background?

It is not one single indicator but a ***preponderance*** of data (both formal and informal) that provide the §504 committee with evidence for whether these difficulties are unexpected.

II. Does this pattern indicate the student has dyslexia?

III. Does the student have a disability under §504?

If it is determined by the §504 Committee that the student meets the criteria for dyslexia, the §504 Committee must then proceed to determine eligibility under §504:

- A. Does the student's dyslexia result in a substantial limitation in life's major function of reading/learning?
- B. If NO, does this student have any other disability that results in a substantial limitation in one or more of life's major functions?
- C. If YES, the need for §504 accommodations, including provision of the supplemental specialized dyslexia intervention program (dyslexia lab) *shall* be considered and documented on §504 Record of Minutes.

Based on the above information and guidelines, the §504 committee first determines whether the student has dyslexia. If the student has dyslexia, the committee also determines whether the student has a disability under §504. **Whether a student is eligible for §504 accommodations is a separate determination from the determination that the student has dyslexia.** A student is considered to have a disability under §504 if the condition substantially limits the student's learning, including the specific activity of reading. Additionally, the §504 committee, in determining whether a student has a disability that substantially limits the student in a major life activity, **must not consider** the ameliorating effects of any mitigating measures that student is using. Mitigating measures include such things as: use of assistive technology; reasonable accommodations or auxiliary aids or services; readers, taped texts; and/or other interventions/plans. If the committee does not identify dyslexia, but the student has another condition or disability that substantially limits the student's learning, eligibility for §504 services related to the student's other condition or disability should be considered.

Students with additional factors that complicate their dyslexia may require additional support or referral to special education. If a student is already qualified as a student with a disability under special education, the Admission, Review, and Dismissal (ARD) committee should determine the least restrictive environment for delivering the student's dyslexia intervention.

Assessment of Special Education Students

At any time during the assessment for dyslexia, identification process, or instruction related to dyslexia, students may be referred for evaluation for special education. At times, students will display additional factors/areas complicating their dyslexia and requiring more support than what is available through dyslexia instruction. At other times, students with severe dyslexia or

related disorders will be unable to make adequate academic progress within any of the programs for dyslexia or related disorders. In such cases, a referral to special education for evaluation and possible identification as a child with a disability within the Individuals with Disabilities Improvement Act of 2004 (IDEA) will be made as needed.

If a student is already in special education, but exhibits the characteristics of dyslexia or related disorders and is referred for assessment, assessment procedures for students under the Individuals with Disabilities Act (IDEA 2004) shall be followed. Assessment data from prior special education assessments may be utilized, and/or additional assessment may be conducted by personnel trained in assessment to evaluate students for dyslexia and related disorders. In this case, the ARD committee will make determinations for those students.

If the student with dyslexia is found eligible for special education in the area of reading, and the ARD committee determines the student's instructional needs for reading are most appropriately met in a special education placement, the student's Individualized Education Program (IEP) must include appropriate reading instruction. Appropriate reading instruction includes the descriptors listed in *The Dyslexia Handbook - Revised 2014*, Chapter III "Instruction for Students with Dyslexia."

If a student with dyslexia is referred for special education, Gladewater ISD must follow the requirements of IDEA 2004. In IDEA 2004, §1401(30), dyslexia is considered one of a variety of etiological foundations for "specific learning disability." 34 CFR §300.8(c)(10) states the following:

Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

The term does **not** apply to children who have learning problems that are primarily the result of visual, hearing, or motor disabilities; of intellectual disabilities (mental retardation); of emotional disturbance; or of environmental, cultural, or economic disadvantage.

Although the IDEA 2004 indicates that dyslexia is an example of a learning disability, the evaluation requirement for eligibility in 34 CFR §300.309(a)(1) specifically designate the following areas for a learning disability in reading: basic reading skill, reading fluency skills, and/or reading comprehension.

**GLADEWATER ISD
GUIDELINES FOR TRANSITIONING
ENGLISH LANGUAGE LEARNERS
INTO THE DYSLEXIA PROGRAM**

GUIDELINES FOR TRANSITIONING ENGLISH LANGUAGE LEARNERS IN THE DYSLEXIA PROGRAM

Dyslexia is a language-based learning difference which stems from the inability to fluently unlock the sounds of the written symbols of a language. All languages can be categorized in reference to its orthographic component. Some languages, which are considered to have “transparent orthographies,” have almost a perfect one-to-one sound to symbol correlation. Other languages, which are considered to have “opaque orthographies,” can have multiple sounds to symbol correlations. The Spanish language is considered to be very transparent. This means that once the student can associate the sound to each symbol (letter of the alphabet), the **process** of decoding words is mastered quickly. The English language is considered to be opaque because the 26 letters of the English alphabet can produce 44 different sounds. The consonant sounds are usually consistent, but the vowel sounds change depending on the vowel’s position in the word and/or what letter(s) precedes and/or follows. Just as languages can differ in the complexity of its orthographic component, so does the identification of Dyslexia in English Language Learners (ELL’s).

Due to the transparent orthography of the Spanish language, Spanish readers will usually be successful with grade-level language/reading tasks. While decoding, word recognition, accuracy, and spelling are important dyslexia indicators in the English orthography, in more transparent orthographies, such as Spanish, it has less influence. The inability to perform language tasks with automaticity appears to be the more decisive characteristic in the identification process of dyslexia in a language as phonetic as Spanish.

Dyslexia, as defined by both the Texas Education Code and the International Dyslexia Association, is neurological in nature. This means that the individual is born with it. Therefore, it stands to reason that once an individual is identified with Dyslexia, he/she will require continued support, regardless of the language of instruction.

For ELL’s who were **not** considered for Dyslexia evaluation when they were receiving Spanish reading instruction, it is critical that when they transition into English reading that we do not confuse English language learners with students who are dyslexic. They may have some of the same characteristics of dyslexia and require some of the same types of instruction. However, the root of the characteristics is quite different.

GLADEWATER ISD
PROCEDURES WHEN RECEIVING OUTSIDE
INDEPENDENT EVALUATIONS FOR DYSLEXIA

DISTRICT PROCEDURES FOR STUDENTS PRESENTING OUTSIDE INDEPENDENT EVALUATIONS FOR DYSLEXIA SERVICES

For students whose parents present evidence of outside independent evaluations addressing dyslexia, the following must be considered:

The outside independent evaluation (assessment) must:

- have been administered by an individual certified to conduct an educational evaluation and knowledgeable about dyslexia;
- be considered valid and comparable to the evaluation standards that Gladewater ISD would conduct; and
- comply with the requirements set forth in Section 504 and the TEA requirements specified in TEA's *The Dyslexia Handbook – Revised 2014*.

Additionally, §504 regulations and TEA requirements as outlined in *The Dyslexia Handbook – Revised 2014* have identified certain expectations in regards to the referral process for a dyslexia assessment and/or eligibility. An outside independent evaluation is considered a single source of data. Section 504 and/or the IDEA both require that ***data must be provided from a variety of sources in determining a child's eligibility*** for services. Case law allows the District to maintain the right to conduct their own evaluation.

In addition to the outside independent evaluation, data that must be submitted for review before a decision can be rendered concerning the validity of an outside independent evaluation by the District evaluator includes the following:

- The student ***has passed*** the hearing screening. This screening ***must*** be current and the student must be able to hear and process sounds normally. *“Students must possess the ability to distinguish the difference between sounds – the sounds of language (phonemes) and the sounds of noise – and the ability of the phonologic module to distinguish speech from non-speech words.”* [*Overcoming Dyslexia*, Sally Shaywitz, pg. 48-49.]
- The student has ***passed*** the vision screening with or without correction (i.e., glasses, contacts). Screening ***must*** be current and student must be able to see the written word and differentiate between letters. [*Overcoming Dyslexia*, Sally Shaywitz, pg. 50; *Learning Disabilities – From Identification to Intervention*, Jack M. Fletcher, pgs. 92-94.]
- The classroom teacher can provide a list of academic concerns for the student and the student exhibits of the characteristics of dyslexia. The ***Teacher Interview for Student At-Risk for Dyslexia (Dyslexia Screening Checklist)*** is sufficient to determine general characteristics of dyslexia.

- Effective classroom instruction and interventions have previously been provided by the classroom teacher. Previous interventions, including the receipt of an accelerated reading program as defined by TEC §28.006 should be documented on an Individual Intervention Plan (IIP). The teacher should provide evidence of curriculum based monitoring indicating student’s progress plus data indicating fidelity of implementation. Best practice recommends that scientific, research-based interventions should be attempted before considering a referral for evaluation as well as the student having previously participated in an accelerated (intensive) reading program. [TEC §28.006.]
- All LEP students, depending on their bilingual category, must receive appropriate instruction based on their LEP category. The LPAC Committee determines and documents the student’s bilingual category. A current TELPAS, LAS, RPTE, etc. score is necessary. It is the expectation that the LEP student possesses Cognitive Academic Language Proficiency (CALP) **before** being dismissed from the bilingual program. If the student does not possess CALP and/or the additional data being submitted indicates language acquisition as a factor for the student’s current concerns, the request for dyslexia assessment may be refused. [*The Dyslexia Handbook – Revised 2014*, pgs. 17-18, 19-20.]
- Parents **must** be provided with written information concerning their child’s difficulties in reading and **must** have been informed about the accelerated (intensive) reading program and/or interventions that appropriately addresses the student’s reading difficulties and enables them to catch up with their typically performing peers. In addition, parents must provide the school with written consent for **both** a dyslexia assessment as well as the assessment to be conducted under Section 504. [TEC §28.006(g)(h), pgs. 15 & 45; *The Dyslexia Handbook – Revised 2014*, pg. 18 .]
- Frequently due to sociocultural factors such as irregular attendance or lack of experiential backgrounds, students will be referred as being a child with a disability. Both Section 504 and the IDEA prohibit referrals for disability based on irregular attendance or lack of experiential background and/or other sociocultural factors. [34 C.F.R. Appendix Part 104 Definitions; 34 C.F.R. 300.306; *The Dyslexia Handbook – Revised 2014*, pg. 17.]

Failure to present the additional data outlined above, in addition to the outside independent evaluation, **may** result in an inability to consider the validity of the outside evaluation.

Eligibility determinations for dyslexia services can only be determined by a duly constituted Section 504 committee who are knowledgeable about the student, the evaluation data (including dyslexia) and the placement options.

GLADEWATER ISD
PROCEDURES FOR SERVING IN-STATE OR OUT-OF-STATE
TRANSFERS FOR STUDENTS IDENTIFIED WITH DYSLEXIA

DISTRICT PROCEDURES FOR SERVING IN-STATE OR OUT-OF-STATE TRANSFERS FOR STUDENTS IDENTIFIED WITH DYSLEXIA

IN-STATE STUDENT TRANSFERS:

For students transferring into Gladewater ISD who have been diagnosed with *dyslexia* within the same school year by a public school agency within the state of Texas, the following procedures are to be followed:

1. Receiving campus must have written documentation from the previous school district that student has been identified as a student with dyslexia as outlined *The Dyslexia Handbook*, Revised 2014.
2. Receiving campus must have written documentation from the previous school district that the student has a current §504 individual accommodation plan (IAP).
3. Gladewater ISD, upon receipt of the written documentation outlined in items 1 and 2, will provide the student with FAPE (free and appropriate public education) as defined under Section 504 - including services *comparable* to those described in the child's individual accommodation plan) from the previous school district **UNTIL** the current school district either:
 - a. Formally adopts the child's individual accommodation plan (IAP) by a duly constituted campus §504 committee pursuant to District procedures implementing §504; or
 - b. Develops, adopts and implements a new individual accommodation plan (IAP) that meets the applicable requirements including the determination of whether:
 - i. New or additional testing is required;
 - ii. Previous testing presented to the current school district is not older than one year;
 - iii. Previous testing meets the requirements as outlined in *The Dyslexia Handbook*, Revised 2014; and
 - iv. Previous testing meets the standards and procedures implemented by the Gladewater ISD.
4. The timeline for completing the procedures outlined above shall be 30 instructional days from the date the student is verified as being a student with dyslexia and eligible for dyslexia and §504 services.

STUDENTS TRANSFERRING FROM OUT OF STATE:

For students transferring into Gladewater ISD from a state other than Texas and who have been diagnosed with dyslexia within the same school year by a public school agency, the following procedures are to be followed:

1. Receiving campus must have written documentation from the previous school district that student has been identified as a student with dyslexia.

2. Receiving campus must have written documentation from the previous school district that student has a current §504 individual accommodation plan (IAP).
3. Gladewater ISD, upon receipt of the written documentation outlined in items 1 and 2, will provide the student with FAPE (free and appropriate public education as defined under Section 504 - including services *comparable* to those described in the child's individual accommodation plan) from the previous school district **UNTIL** the current school district either:
 - a. Conducts an evaluation pursuant to the procedures outlined in *The Dyslexia Handbook*, Revised 2014, Section 504 and Gladewater ISD procedures for evaluating students with dyslexia; and
 - b. Develops, adopts and implements a new individual accommodation plan, if appropriate, that meets the applicable requirements pursuant to the procedures outlined in *The Dyslexia Handbook*, Revised 2014 and Section 504.
4. The timeline for completing the procedures outlined above shall be 45 instructional days from the date the student is verified as being a student with dyslexia.

Should the data indicate that additional testing is indicated or not adequately current, §504 regulations and TEA requirements as outlined in *The Dyslexia Handbook*, Revised 2014 have identified certain expectations in regards to the process and data required for a dyslexia assessment. The data accompanying the request for a dyslexia assessment should provide the evaluator with complete and accurate documentation to confirm the need for an assessment or re-assessment (specific to transfer students). Documentation should include but is not limited to the following:

- The student **has passed** the hearing screening. This screening **must** be current and the student must be able to hear and process sounds normally. “*Students must possess the ability to distinguish the difference between sounds – the sounds of language (phonemes) and the sounds of noise – and the ability of the phonologic module to distinguish speech from non-speech words.*” [*Overcoming Dyslexia*, Sally Shaywitz, pg. 48-49.]
- The student has **passed** the vision screening with or without correction (i.e., glasses, contacts). This screening **must** be current and the student must be able to see the written word and differentiate between letters. [*Overcoming Dyslexia*, Sally Shaywitz, pg. 50; *Learning Disabilities – From Identification to Intervention*, Jack M. Fletcher, pgs. 92-94.]
- Data indicating that student’s difficulties are not due to LEP issues and/or sociocultural factors such as irregular attendance or lack of experiential backgrounds.

GLADEWATER ISD
PROCEDURES FOR EXITING DYSLEXIA PROGRAM

DYSLEXIA INSTRUCTIONAL PROGRAM EXIT CRITERIA

Student: _____ ID: _____ DOB: _____ Grade: _____ Campus: _____

Dyslexia instructional program services exit **must** be based on a comprehensive and thorough consideration of a preponderance of student data that meets most or all the criteria outlined below. Either the Campus §504 Committee or the ARD Committee can make the decision to exit a student from the District's dyslexia instructional program if a preponderance of evidence is available to support such decision.

- | | |
|----------------------------------|---|
| <p>! YES ! NO</p> | <p>1. Student has met standards on the STAAR/EOC Reading and Writing tests for at least two years;
<u>AND</u></p> |
| <p>! YES ! NO</p> | <p>2. Student is reading at grade level as measured by a Reading Inventory Measure from the District's dyslexia instructional program and classroom administered fluency checks;
<u>AND</u></p> |
| <p>! YES ! NO</p> | <p>3. The student has completed/mastered all the objectives in the District's dyslexia instructional program;
<u>AND</u></p> |
| <p>! YES ! NO</p> | <p>4. Student's reading teacher indicates student's grades and performance in the regular reading program demonstrate that there is no longer an educational need for placement in the dyslexia instructional program;
<u>AND</u></p> |
| <p>! YES ! NO</p> | <p>5. Student's dyslexia teacher, regular reading program teacher and parent are in agreement that student no longer has an educational need for the dyslexia instructional program.</p> |
| <p>! YES ! NO
! N/A</p> | <p>6. Student demonstrates minimal to no measureable progress in the District's dyslexia lab and/or an inability to grasp the concepts taught in the program after consistent implementation <u>and</u> is demonstrating regression. This must be supported by documentation of parent conferences as well as progress reports on the impact of the program's interventions on student learning. This lack of progress must be documented in either the student's §504 committee minutes or ARD minutes. Student must be referred for further evaluation.</p> |
| <p>! YES ! NO
! N/A</p> | <p>7. Factors such as behavior and/or absenteeism prevent the student from benefiting from the District's dyslexia instructional program. This must be supported by documentation of parent conferences as well as progress reports on the impact of the program's interventions on student learning. This lack of benefit must be documented in either the student's §504 committee minutes or ARD minutes along with documentation indicating District remediation.</p> |

A student exited from the dyslexia instructional program will continue to be monitored by the dyslexia teacher on a six"week basis and may continue to require an Individual Accommodation Plan to be implemented in the general education classroom. All students receive an annual review by either the Campus §504 Committee or ARD Committee.

A student who has been exited from the dyslexia instructional program and begins to show regression may be reinstated back into the dyslexia instructional program by either the Campus §504 Committee or ARD Committee.

- | | | |
|-------|------|---|
| ☒ YES | ☒ NO | 1. This student has met the above exit criteria. |
| ☒ YES | ☒ NO | 2. The data used for making this decision is on file with this form in the student’s §504 or Special Education folder. |
| ☒ YES | ☒ NO | 3. A parent conference was held prior to this committee decision so as to collect parental input. |
| ☒ YES | ☒ NO | 4. At this time, the student does NOT meet exit criteria; however, the parent has requested that the student be exited from the dyslexia instructional program. Parent has withdrawn consent. |

Based on the above noted data, the §504 Committee or ARD Committee has exited this student from district dyslexia lab supplemental support services, effective _____(date).

THIS PLACEMENT DECISION WAS MADE BY A LEGALLY CONSTITUTED CAMPUS §504 COMMITTEE OR ARD COMMITTEE.

COMMITTEE SIGNATURES:

§504 COMMITTEE MEMBERSHIP: List each member attending the §504 meeting and check the area of knowledge they provide. Each area of knowledge *must* be present on the committee. (This placement decision was made by a group of persons including those knowledgeable about this student, the meaning of the evaluation data, and the placement options. For students being evaluated for Dyslexia, someone who has been trained and is knowledgeable about Dyslexia must also be included. This Committee realizes that §504 does not exempt any student from state-mandated tests and that mastery of the grade level TEKS continues to be a requirement.)

NAME/SIGNATURE	POSITION/TITLE	KNOWLEDGE OF...	
		<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	Child
		<input type="checkbox"/>	Evaluation data Reading Process Dyslexia
		<input type="checkbox"/>	Placement options Dyslexia Instruction
_____	_____	<input type="checkbox"/>	Child
		<input type="checkbox"/>	Evaluation data Reading Process Dyslexia
		<input type="checkbox"/>	Placement options Dyslexia Instruction
_____	_____	<input type="checkbox"/>	Child
		<input type="checkbox"/>	Evaluation data Reading Process Dyslexia
		<input type="checkbox"/>	Placement options Dyslexia Instruction
_____	_____	<input type="checkbox"/>	Child
		<input type="checkbox"/>	Evaluation data Reading Process Dyslexia
		<input type="checkbox"/>	Placement options Dyslexia Instruction

TAB 4

**GLADEWATER ISD
ROLE OF THE DYSLEXIA TEACHER**

**COMPLIANCE/LEGAL ISSUES
FOR THE CAMPUS AND DYSLEXIA TEACHER**

**DISTRICTWIDE PROFESSIONAL DEVELOPMENT
AND REQUIRED TRAINING ON DYSLEXIA**

PARENT AWARENESS

GLADEWATER ISD
ROLE OF THE DYSLEXIA TEACHER

DYSLEXIA TEACHER ROLE

The *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, Revised 2014* lists and describes the components of instruction that must be a part of a program used for students identified with dyslexia. Teachers (general or special education) who provide instruction for students with dyslexia must have training in the listed components of instruction as well as be trained in instructional strategies that utilize individualized, intensive, and multi-sensory methods.

Texas does not have a certification requirement specific to teachers providing intervention to students identified with dyslexia. School districts must consider the needs of students and the qualification of teachers. It is important that teachers have appropriate training in dyslexia and the relevant instructional components as outlined in Chapter III of *The Dyslexia Handbook*. Certified teachers who have coursework in the areas of reading and reading disabilities should be considered first for assignment to teach students with dyslexia and related disorders. Licensed dyslexia practitioners or licensed dyslexia therapists may also be considered. These teachers should be trained to deliver instruction that is described in Chapter III of *The Dyslexia Handbook*. Certified educational aides, per TAC guidelines [Title I, Section 1119(g)(2)], may perform assigned tasks under the guidance and supervision of a certified teacher or teaching team.

Roles of Dyslexia and/or Itinerant Reading Teachers

The dyslexia and/or itinerant reading teacher will:

- Deliver instructional reading programs for identified dyslexic students only
- Be assigned to specific campus(es) for purposes of accountability but will NOT be available to assist the campuses with campus responsibilities due to itinerant constraints
- Maintain a teacher/student ratio not to exceed the recommended 1:6 per group
- Administer and gather pre/post instructional data to monitor program effectiveness and student growth in the area of reading
- Communicate with teachers, administrators and parents as needed
- Support and attend the district annual Parent Awareness Meeting
- Conduct parent training sessions
- Stay abreast of current research and development in dyslexia and research-based reading programs
- Assist in organizing and/or **conducting in-services at their assigned campuses to facilitate the implementation of the dyslexia program** and to ensure general classroom teacher knowledge on dyslexia
- Maintain all necessary student records required by the dyslexia program
- Comply with all state and federal laws as well as district policies
- Review dyslexia folders
- Dyslexia teachers will review dyslexia referrals/folder for completion of required documentation. This review must be conducted in a timely manner and may only be conducted during your planning period. **Time taken to review dyslexia referral folders shall not under any circumstance prevent dyslexia teacher from providing their assigned dyslexia therapies. This is a compliance/FAPE issue.**

GLADEWATER ISD
COMPLIANCE AND LEGAL ISSUES
FOR THE CAMPUS AND DYSLEXIA TEACHER

LEGAL ISSUES FOR DYSLEXIA TEACHERS AND CAMPUSES

Provision of a Free Appropriate Public Education (FAPE):

A recipient that operates a public elementary or secondary education program or activity **shall** provide a free appropriate public education to each qualified person with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disability. 34 CFR §104.33

A school district's Section 504 compliance with the obligation to provide FAPE hinges on its following specific procedures in the provision of services to students with disabilities. Section 504 regulations at 34 CFR §104.33(b)(1)(ii) establish the procedural component of FAPE by requiring "adherence to procedures that satisfy the requirements of §104.34, §104.35, and §104.36."

District violated §504 by failing to maintain guidelines for providing services to students with disabilities. [*School Admin. Unit No. 6* (1994)].

FAPE under §504 is NOT bound by a cost-sensitive standard, such as reasonable accommodation. [*Response to Zirkel* (1993); *ADAAA*, (2009)].

Insufficient staff, heavy workloads, and inadequate pay are NOT acceptable excuses for failing to provide students with disabilities with FAPE. [*Department of Public Instruction* (1988); *Sherry* (1979)].

Violation of §504 resulted from failure of student's teachers to consistently implement certain accommodations, including progress reports, provided for under §504 plan. [*Inglewood* (2008)].

Student deprived of FAPE when district did not provide him with class notes as required by §504 plan; two teachers did not receive copy of plan until a month into school year. [*Barlow County* (2009)].

Kindergarten student, who missed 30-minute block of inclusion time for at least two months, did NOT receive FAPE; shortage in time called for by the student's plan constituted material plan implementation failure. [*Norton* (2009)].

District failed to properly implement student's §504 plan when it failed to provide accommodations for use during the state assessment. [*Lake County* (2008)].

District inconsistently implemented services student's plan, as paraprofessional assigned to the student confirmed she was sometimes unavailable due to staffing shortages; district also did not fully disseminate copy of plan to all employees responsible for provision of services to student. [*Toltec* (2008)].

District denied FAPE to student with ADHD because §504 plan lacked specificity and was not distributed to staff responsible for implementing it. [*Corunna* (2005)].

In implementation cases, a denial of the FAPE regulation is triggered by substantial or fundamental alteration of a basic element of the student's program or in the level of services to the student; in this case, a failure to provide 20 percent of the child's plan for the school year met this standard. [*Minneapolis* (2003)].

Significant persons responsible for a student's accommodation plan lacked requisite knowledge and training, resulting in denial of FAPE in violation of §504. [*Ocean View* (1995)].

Compensatory Education:

Although the majority of federal courts have held that compensatory damages are an available remedy under §504, they are divided on whether an award of damages must be conditioned on a showing of intentional discrimination. There is however some disagreement as to whether punitive damages are available under §504.

Compensatory damages are available remedy under §504. [*Breanne C.* (2009); *A.W. v. Jersey City* (2007); *Butler* (2000); *Garrett* (1996); *W.B.* (1995)].

Because §504 claim relied on district's denial of FAPE and nothing in record indicated injury as result of anything other than denial of FAPE, appropriate remedy was compensatory education, not monetary damages. [*School District of Philadelphia* (2009)].

Parents have right to sue districts for alleged FAPE violations, as the definition of FAPE provided in the regulations further the statute's nondiscriminatory aims; parents also can seek monetary damages under §504 for a denial of FAPE. [*Mark H.* (2008)].

Fidelity of Program Implementation:

Fidelity of implementation – means carry out an instructional program in the manner in which it was designed. All campus teams, from the Rtl core team, §504 committee and/or ARD committee, are not able to analyze data and provide supports if it cannot determine the appropriateness of the instruction within the classroom.

“Fidelity means that district and campus staff apply the intervention in the manner it was intended, based on how it was researched and validated. If the intervention requires a minimum of three 30-minute sessions per week and you have decided that you don't have time but for two 30-minute sessions per week, then you have NOT met fidelity. You cannot reduce the total time or time per session, or alter the materials and still maintain fidelity.” [John McCook, *The Rtl Guide* (2006)].

District level teams must outline the assessments to be used in the RtI, §504 and/or Special Education process; devise a user-friendly format for presenting the data; articulate the interventions endorsed by the district; create a system for analyzing the data; and outline methods for accountability – particularly when intervention non-compliance occurs. [Andrea Ogonosky, *The Response to Intervention Handbook* (2008)].

Lack of fidelity/treatment integrity compromises (1) our assessment of student progress and (2) our ability to determine the efficacy of the intervention. [Brown-Chidsey and Steege, *Response to Intervention* (2010), pg. 45].

The reauthorized Elementary and Secondary Education Act, commonly referred to as NCLB, states that all reading intervention should be research based. In order to be a valid research-based methodology, material, or strategy, the intervention must be delivered to replicate the intervention cited in the research. If it is not provided with fidelity, the intervention is no longer research based and, thus, is out of compliance with that component of the law. The delivery of a dyslexia program **must be in accordance with the way the program was designed to be delivered**. Therefore, when a district has purchased a program, the amount of time for instruction/intervention reflected in the author's/publisher's program mandates the amount of time required to deliver the instruction. (*The Dyslexia Handbook*, Revised 2014, Question -41, pg. 72).

GLADEWATER ISD
DISTRICTWIDE PROFESSIONAL DEVELOPMENT
AND REQUIRED TRAINING

DYSLEXIA DISTRICTWIDE PROFESSIONAL DEVELOPMENT AND REQUIRED TRAINING

The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, Revised 2014. (pg. 41)

School Districts **MUST** do the following:

... "Provide training about dyslexia to educators."

Texas Administrative Code 19 TAC§74.28(c)

... "Teachers who screen and treat these students (dyslexia) must be trained in instructional strategies that utilize individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in 'Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders.' The professional development activities specified by each district and/or campus planning and decision making committee shall include these instructional strategies."

Texas Administrative Code 19 TAC §74.28(f)

"Each school must provide each identified student access at his or her campus to instructional programs required in subsection (c) of this section and to the services of a teacher trained in dyslexia and related disorders. ..."

Texas Education Code §21.044

... "(b) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the curriculum for that degree, instruction in detection and education of students with dyslexia."

"(c) The instruction under Subsection (b) **must**: ... (2) include information on: (A) characteristics of dyslexia; (B) identification of dyslexia; and (C) effective, multisensory strategies for teaching students with dyslexia."

Texas Education Code §21.054(b)(c)

"(b) Continuing education requirements for an educator who teaches students with dyslexia **must** include training regarding new research and practices in educating students with dyslexia."

"(c) The training required under Subsection (b) may be offered in an online course."

GLADEWATER ISD
PROVISION OF PARENT AWARENESS ON DYSLEXIA

DYSLEXIA PARENT AWARENESS LEGAL REQUIREMENTS

**The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, Revised 2014. (pg. 42). “School districts MUST:
... “Provide a parent education program.”**

Texas Administrative Code 19 TAC§74.28(h)

“(h) Each school district **shall** provide a parent education program for parents/guardians of students with dyslexia and related disorders. This program should include: awareness of characteristics of dyslexia and related disorders, information on testing and diagnosis of dyslexia, information on effective strategies for teaching dyslexic students; and awareness of information on modification, especially modifications allowed on standardized testing.”

DYSLEXIA PARENT AWARENESS

RECOGNIZING DYSLEXIA

Dyslexia is:

- One of several distinct learning disabilities.
- Of constitutional origin and is NOT the result of a generalized developmental delay or sensory impairment.
- Is language-based. There is a weak sensitivity to the sounds of language (insufficient phonological processing ability).
- Characterized by having difficulty reading or decoding single words. This difficulty is unexpected for the age and in comparison to other cognitive and academic abilities. Other language skills are often variably and conspicuously impaired, particularly writing and spelling.
- A specific learning disability that is neurological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties usually result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge. (Adopted by the International Dyslexia Association Board of Directors, November 12, 2002).
- Manifested by difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and socio-cultural opportunity.

Characteristics of Dyslexia:

- Difficulty saying the alphabet correctly in sequence
- Difficulty forming the shapes of the letters
- Difficulty writing the alphabet correctly in sequence
- Errors in naming letters
- Difficulty in learning and remembering printed words
- Repeated spelling errors
- Difficulty in handwriting
- Slow rate of writing
- Difficulty with reading comprehension

Characteristics, which may be associated with dyslexia:

- Delay in spoken language
- Difficulty pronouncing words with sounds in the right order
- Difficulty finding the “right” word
- Late establishing preferred writing handedness
- Late learning right, left, and other directionality components
- Problems learning concept of time and temporal sequencing
- Family history of similar problems

OTHER FACTORS TO CONSIDER

Trends and Tendencies:

- Grades slip downward year-to-year
- Inconsistent grades from day-to-day
- Inconsistent performance on standardized tests
- Confusion with math symbols, but not computation
- Math computation is better than word problems
- Memorized spelling is better than spontaneous spelling
- Homework is better quality than classwork
- Inordinate time spent on homework
- Deteriorated organization and study habits
- Deteriorating motivation and self-esteem
- Good grades but too much struggle is evident
- Chooses oral performance over written when given chance
- Compensation by use of pictures, prompt from teacher, etc.
- Stress reflected by irregular writing and uneven pencil pressure

Frequent, Common or Typical Behaviors:

- Short attention span
- Posture indicative of poor self-esteem
- Anxiety results in inappropriate behaviors
- Withdrawal
- Inordinate stress during performance time
- Cheating
- Overcompensation through pseudo-confidence
- Poor motivation resulting from lack of success
- Situational behaviors manifested in specific situation (child/teacher conflict) though not characteristic of student’s general behavior

These students may exhibit intellectual ability, mechanical ability, and talent in non-academic areas, social skills, and other strengths.

WHAT CAN A PARENT DO TO HELP A CHILD WITH DYSLEXIA?

Help your child understand the nature of his/her difficulty:

- Read books or view videos about dyslexia
- Emphasize the child's abilities instead of "disabilities"

Help other members of the family:

- Help others recognize and understand your child's learning disability. Family members often ask "who, what, where, and when" questions to get the necessary information.

Help your child locate and develop other talents:

- Sports, art, music, mechanics, hobbies, etc.
- Help improve your child's self-image by giving your child tasks he/she can master:
- Give the child chores to do (e.g., setting the table for supper, clearing the dishes, and making the beds).
- Make short lists of tasks to help the child remember. A list is impersonal and reduces irritations. The child will gain satisfaction as he checks off tasks completed.
- Often children do not process multiple requests quickly or accurately. State your ideas in simple, clear, one-concept commands and ask the child to repeat what was said. Speaking at a slower rate of speed to the child is often helpful.

Structure the child's life at home:

- Stick to a regular routine for meals, play, TV, chores, homework, etc.
- Keep belongings in the same place. Help the child remember where to put them.
- Keep instructions simple – one at a time.
- Break tasks into small parts or steps.
- Relieve stress in weak areas.
- Guard against negative remarks, especially those referring to laziness or lack of effort.
- Avoid threats of punishment for such things as low grades, their need for repetition of directions, ineptness at simple tasks, etc.
- Set standards, goals, and expectations of achievement within reach of your child's abilities.

How Can Parents Build Self-Esteem?

- Praise your child often and sincerely
- Don't constantly nag or criticize
- Catch your child doing well
- Give your child opportunities to succeed
- Tell your child you believe in him or her
- Give your child lots of hugs and kisses
- Praise efforts that are working towards a goal
- Don't compare your child with anyone else
- Look for ways to make your child feel capable

- Encourage your child to make age appropriate decisions
- Give your child a chance to solve problems before jumping in
- Listen to your child's thoughts, feelings, and ideas without judging or criticizing

What Strengths Are We Likely to See in Individuals with Dyslexia?

- Highly creative
- Links previously unrelated ideas, processes
- Finds new ways to do old things
- Problem solver
- Inventor
- Builder
- Diplomat
- Good sense of humor
- Likes and enjoys helping people
- May anticipate people's emotions
- Excels at individual sports
- Works better alone than with team
- Understands animals, plants, living things
- Mechanically inclined
- Wants to know how things work
- Likes to repair or make things better
- Enjoys working with hands
- Likes building things
- Scientific thinker
- Very curious and observant
- A good motivator
- Has high energy
- Enthusiastic
- Is open-minded

Parent Suggestions for Student Success:

- Parent(s) establish good study habits for the child. Consider a regular study schedule and a quiet study environment to address possible attention interference. Monitor nightly study to verify work is progressing or is completed.
- Work closely with your child's teacher. Regular communication between parent and teacher is necessary.
- Parent(s) consider reading to child 15 minutes a day or acquiring audiotapes of books for read along.
- Help child develop a positive attitude and understanding of self-worth.
- Read Chapters 15, 16, and 17 in *Overcoming Dyslexia* by Sally Shaywitz for additional reading support.

RESOURCES

1. *Parenting a Struggling Reader* by Hall, S. & Moats, L. (2002) Broadway Books
2. *Learning Outside the Lines* by Mooney, J. & Cole, D.: Simon & Schuster
3. *Overcoming Dyslexia* by Shaywitz, Sally
4. The International Dyslexia Association – www.interdys.org
5. LD-Online - www.ldonline.org
6. Texas Scottish Rite Hospital – www.tsrhc.org/p_child_development.cfm
7. Recording for the Blind and Dyslexic - www.rfbd.org
8. Talking Book Program, State of Texas – www.tsl.state.tx.us/tbp/

Spanish Resources:

1. www.interdys.org - Refer to the following fact sheets:
 - Definition of Dyslexia
 - Dyslexia Basics
 - Dyslexia and Related Disorders
 - Multi-sensory Teaching
2. www.colorincolorado.org - Refer to the following:
 - Families
 - What you can do at home
 - Helping your child succeed at school
 - Let's read
3. www.elbalero.com.mx
4. www.kokone.com.mx